



PATENT
Attorney Docket No.: ITLV-00107

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Group Art Unit: 2161
Robert Olan Keith Jr.)) Examiner: Nguyen, Cam Linh T
Serial No.: 09/800,566))
Filed: March 6, 2001)) **APPEAL BRIEF**
For: **METHOD AND APPARATUS FOR**) 162 North Wolfe Road
ACCESSING DATA WITHIN AN) Sunnyvale, California 94086
ELECTRONIC SYSTEM BY AN) (408) 530-9700
EXTERNAL SYSTEM) Customer No.: 28960

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In furtherance of the Applicant's Notice of Appeal filed on August 9, 2005, this Appeal Brief is submitted herewith in triplicate. This Appeal Brief is submitted in support of the Applicant's Notice of Appeal, and further pursuant to the final rejection mailed on May 13, 2005, in which Claims 1-7, 9-15, 17-23, 25-29, 31 and 32 were rejected. The Applicant submits this Appeal Brief to the Board of Patent Appeals and Interferences in compliance with the requirements of 37 C.F.R. § 41.37, as stated in *Rules of Practice Before the Board of Patent Appeals and Interferences (Final Rule)*, 69 Fed. Reg. 49959 (August 12, 2004). The Applicant contends that the rejections of Claims 1-7, 9-15, 17-23, 25-29, 31 and 32 in this proceeding are in error and are overcome by this appeal.

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I. REAL PARTY IN INTEREST

As the assignee of the entire right, title, and interest in the above-captioned patent application, the real party in interest in this appeal, is:

The Web Access, Inc.
100 Century Center Court, Ste. 320
San Jose, CA 95112

per the assignment document filed on March 6, 2001.

II. RELATED APPEALS AND INTERFERENCES

The Applicant is not aware of any other appeals or interferences related to the present application.

III. STATUS OF THE CLAIMS

Claims 1-7, 9-15, 17-23, 25-29, 31 and 32 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,253,188 to Witek et al. (hereinafter, Witek, a copy of which is attached as Exhibit A) in view of U.S. Patent No. 6,421,661 to Doan et al. (hereinafter, Doan, a copy of which is attached as Exhibit B) and further in view of U.S. Patent No. 5,604,772 to Botto et al. (hereinafter, Botto, a copy of which is attached as Exhibit C). Within this Appeal Brief, the rejections of Claims 1-7, 9-15, 17-23, 25-29, 31 and 32 are appealed.

IV. STATUS OF THE AMENDMENTS FILED AFTER FINAL REJECTION

No amendments have been filed after the Office Action mailed on May 13, 2005.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The invention disclosed in the present application number 09/800,566 is directed to a method of and apparatus for accessing data within an electronic system by an external system to the electronic system. The method includes formatting a searchable database within the electronic system into a directory tree structure, the directory tree structure includes nodes comprising related data and branches comprising links between the nodes. Each related item of data is categorized by a navigation path through the directory tree structure and by one or more parameters, wherein the parameters are specific to the node in which the related data is included. The method accesses one or more nodes within the directory tree structure and obtains data from the one or more nodes by utilizing an applications programming interface. The applications programming interface can access the one or more nodes within the directory tree structure using a query string that defines a navigation path through the directory tree structure to access a specific node within the directory tree structure.

The elements of Claim 1, directed to one embodiment of the present invention, are described in the Specification at page 18, line 17 through page 19, line 13; page 30, line 15 through page 33, line 21; page 39, line 23 through page 40, line 4 and the accompanying Figures 1, 3-6 and 7. The method described there is directed to accessing data within a research system by an application external to the electronic system. The method comprises formatting a searchable database (120) within the research system into a directory tree structure (page 18, line 17 through page 19, line 13), wherein the directory tree structure includes nodes comprising related data and branches comprising links between the nodes, wherein each related item of data is categorized by a navigation path through the directory tree structure and by one or more parameters, each parameter is set with a corresponding value associated with the data item thereby forming a set parameter, wherein the parameters are specific to the node in which the related data is included (page 30, line 15 through page 31, line 7) and an external application different than the research system accessing one or more nodes within the directory tree structure and obtaining data from the one or more nodes by utilizing an applications programming interface (API) associated with the research system, wherein the external application formats a query language string using the API such that the formatted query language string is used directly by the research system to access the directory tree structure and obtain data from the searchable database (120) specified by the query language string, further wherein the query language string is a command string written according to a query language (page 31, line 20 through page 33, line 21), wherein accessing one or more nodes is performed utilizing a search module (110),

further wherein the search module (110) includes a keyword search, a hierarchical search, a dichotomous key search, and a parametric search, and further wherein each utilization of the search module (110) includes availability of each search (page 39, line 23 through page 40, line 4).

The elements of Claim 9, directed to one embodiment of the present invention, are described in the Specification at page 18, line 17 through page 19, line 13; page 30, line 15 through page 33, line 21; page 39, line 23 through page 40, line 4 and the accompanying Figures 1, 3-6 and 7. The system described there is directed to providing access to a searchable database (120) by an application external to the research system. The research system comprises means for formatting the searchable database (120) into a directory tree structure, wherein the directory tree structure includes nodes comprising related data and branches comprising links between the nodes (page 18, line 17 through page 19, line 13), wherein each related item of data is categorized by a navigation path through the directory tree structure and by one or more parameters, each parameter is set with a corresponding value associated with the data item thereby forming a set parameter, wherein the parameters are specific to the node in which the related data is included (page 30, line 15 through page 31, line 7) and means for an external application different than the research system accessing one or more nodes within the directory tree structure and obtaining data from the one or more nodes by utilizing an applications programming interface (API) associated with the research system, wherein the external application formats a query language string using the API such that the formatted query language string is used directly by the research system to access the directory tree structure and obtain data from the searchable database (120) specified by the query language string, further wherein the query language string is a command string written according to a query language (page 31, line 20 through page 33, line 21), wherein the means for accessing one or more nodes utilizes a search module (110), further wherein the search module (110) includes a keyword search, a hierarchical search, a dichotomous key search, and a parametric search, and further wherein each utilization of the search module (110) includes availability of each search (page 39, line 23 through page 40, line 4).

The elements of Claim 17, directed to one embodiment of the present invention, are described in the Specification at page 18, line 17 through page 19, line 13; page 30, line 15 through page 33, line 21; page 39, line 23 through page 40, line 4 and the accompanying Figures 1, 3-6 and 7. The research system described there is directed to providing access to a searchable database (120) by an application external to the research system. The research system comprises

a research server configured to format the searchable database (120) into a directory tree structure, wherein the directory tree structure includes nodes comprising related data and branches comprising links between the nodes (page 18, line 17 through page 19, line 13), wherein each related item of data is categorized by a navigation path through the directory tree structure and by one or more parameters, each parameter is set with a corresponding value associated with the data item thereby forming a set parameter, wherein the parameters are specific to the node in which the related data is included (page 30, line 15 through page 31, line 7) and an external application different than the research system accessing one or more nodes within the directory tree structure and obtaining data from the one or more nodes by utilizing an applications programming interface (API) associated with the research system, wherein the external application formats a query language string using the API such that the formatted query language string is used directly by the research system to access the directory tree structure and obtain data from the searchable database (120) specified by the query language string, further wherein the query language string is a command string written according to a query language (page 31, line 20 through page 33, line 21), wherein the research server accesses the one or more nodes by utilizing a search module (110), further wherein the search module (110) includes a keyword search, a hierarchical search, a dichotomous key search, and a parametric search, and further wherein each utilization of the search module (110) includes availability of each search (page 39, line 23 through page 40, line 4).

The elements of Claim 25, directed to one embodiment of the present invention, are described in the Specification at page 18, line 17 through page 19, line 13; page 30, line 15 through page 33, line 21; page 39, line 23 through page 40, line 4 and the accompanying Figures 1, 3-6 and 7. The network of devices described there is directed to a network of devices for providing access to a searchable database (120) by an application external to the research system. The network of devices comprises one or more computer systems configured to establish a connection with other systems and a research server coupled to the one or more computer systems to format the searchable database (120) into a directory tree structure, wherein the directory tree structure includes nodes comprising related data and branches comprising links between the nodes (page 18, line 17 through page 19, line 13), wherein each related item of data is categorized by a navigation path through the directory tree structure and by one or more parameters, each parameter is set with a corresponding value associated with the data item thereby forming a set parameter, wherein the parameters are specific to the node in which the related data is included (page 30, line 15 through page 31, line 7) and an external application

different than the research system accessing one or more nodes within the directory tree structure and obtaining data from the one or more nodes by utilizing an applications programming interface (API) associated with the research system, wherein the external application formats a query language string using the API such that the formatted query language string is used directly by the research system to access the directory tree structure and obtain data from the searchable database (120) specified by the query language string, further wherein the query language string is a command string written according to a query language (page 31, line 20 through page 33, line 21), wherein the research server accesses the one or more nodes by utilizing a search module (110), further wherein the search module (110) includes a keyword search, a hierarchical search, a dichotomous key search, and a parametric search, and further wherein each utilization of the search module (110) includes availability of each search (page 39, line 23 through page 40, line 4).

The elements of Claim 31, directed to one embodiment of the present invention, are described in the Specification at page 18, line 17 through page 19, line 13; page 30, line 15 through page 33, line 21; page 39, line 23 through page 40, line 4 and the accompanying Figures 1, 3-6 and 7. The method described there is directed to accessing data within a research system by an application external to the research system. The method comprises formatting a searchable database (120) within the research system into a directory tree structure, wherein the directory tree structure includes nodes comprising related data and branches comprising links between the nodes (page 18, line 17 through page 19, line 13), wherein each related item of data is categorized by a navigation path through the directory tree structure and by one or more parameters, each parameter is set with a corresponding value associated with the data item thereby forming a set parameter, wherein the parameters are specific to the node in which the related data is included (page 30, line 15 through page 31, line 7) and an external application different than the research system accessing one or more nodes within the directory tree structure and obtaining data from the one or more nodes by utilizing an applications programming interface (API) associated with the research system, wherein the applications programming interface accesses the one or more nodes within the directory tree structure using a query language string, further wherein the query language string is a command string written according to a query language that defines a navigation path through the directory tree structure to access a specific node within the directory tree structure (page 31, line 20 through page 33, line 21), wherein accessing one or more nodes is performed utilizing a search module (110), further wherein the search module (110) includes a keyword search, a hierarchical search, a dichotomous

key search, and a parametric search, and further wherein each utilization of the search module (110) includes availability of each search (page 39, line 23 through page 40, line 4).

The elements of Claim 32, directed to one embodiment of the present invention, are described in the Specification at page 18, line 17 through page 19, line 13; page 30, line 15 through page 33, line 21; page 39, line 23 through page 40, line 4 and the accompanying Figures 1, 3-6 and 7. The method described there is directed to accessing data within a research system by an application external to the research system. The method comprises formatting a searchable database (120) within the electronic system into a directory tree structure, wherein the directory tree structure includes nodes comprising related data and branches comprising links between the nodes (page 18, line 17 through page 19, line 13), wherein each related item of data is categorized by a navigation path through the directory tree structure and by one or more parameters, each parameter is set with a corresponding value associated with the data item thereby forming a set parameter, wherein the parameters are specific to the node in which the related data is included (page 30, line 15 through page 31, line 7) and an external application different than the research system accessing one or more nodes within the directory tree structure and obtaining data from the one or more nodes by utilizing an applications programming interface (API) associated with the research system (page 31, line 20 through page 33, line 21), wherein accessing one or more nodes is performed utilizing a search module (110), the search module (110) includes a keyword search, a hierarchical search, a dichotomous key search, and a parametric search, and further wherein each utilization of the search module (110) includes availability of each server (page 39, line 23 through page 40, line 4).

**VI. GROUNDS OF REJECTION AND OTHER MATTERS TO BE
REVIEWED ON APPEAL**

The following issues are presented in this Appeal Brief for review by the Board of Patent Appeals and Interferences:

1. Whether Claims 1-7, 9-15, 17-23, 25-29, 31 and 32 are properly rejected under 35 U.S.C. § 103 as being unpatentable over Witek in view of Doan and further in view of Botto.

VII. ARGUMENT

Grounds for Rejection

Within the Office Action of May 13, 2005, Claims 1-7, 9-15, 17-23, 25-29, 31 and 32 have been rejected under 35 U.S.C. § 103 as being unpatentable over Witek in view of Doan and further in view of Botto.

Outline of Arguments

In the discussion that follows, the Applicant first discusses the teachings of Witek. The Applicant then discusses the teachings of Doan. The Applicant then discusses the teachings of Botto. The Applicant then discusses the impropriety of the combination of Witek, Doan and Botto. The Applicant then discusses the teachings of Witek combined with Doan and Botto. The Applicant then analyzes the pending claims and their limitations and explains why Witek, Doan, Botto and their combination do not teach the claimed invention.

1. Witek does not teach dichotomous key search. Witek does not teach performing a search in which for any given searching step, at any location within the database, four different search methodologies are available to be used to perform the search. Specifically, Witek does not teach that any of a keyword search, hierarchical search, dichotomous key search and parametric search can be used at any location within the database.

Witek teaches a system and method for providing classified ads over the Internet. Internet users can connect to a Newspaper web server and central Web application server to search for and obtain classified ads. Ad records are stored in ad database servers 20 for providing classified ad records on request to application servers 16. To search the ad records, the search process is divided into two principle parts. The first part includes a system entry and pre-selection sequence, and the second part includes a record selection sequence (Witek, col. 12, lines 10-13). More specifically, in the first part the user enters the system and specifies the category of classified ads to be searched. Thereafter, as the user navigates to the respective selected category, the user further specifies a subcategory for the particular category selected (Witek, col. 12, lines 27-37). The selected category and subcategory pair is identified by a category/subcategory ID 46. The second part of the search process includes entering a formal record selection query containing the specific parameters for the ad records the user wishes to see. The specific parameters are entered as primary selection parameters 60 and as secondary

selection parameters 62. In summary, the first part of the search process is limited to performing searches based on category, or in other words a hierarchical search (Witek, col. 13, lines 30-46). During this first *utilization* of the search system of Witek, the user is *only* able to specify a category and subcategory pair. The second part of the search process is limited to performing searches based on entered parameters, in other words a keyword search or parametric search. During this second *utilization* of the search system of Witek, the user is *only* able to perform searches based on entered parameters.

As discussed above, Witek teaches that the user first navigates through the system and specifies a category and subcategory to narrow down the number of records to search. [Witek, col. 12, lines 27-37] According to the teachings of Witek, during this first part of the search process, only the category and subcategory search methodologies are available. No other search methodologies are available during the first part of the search process. Witek then teaches that the second part of the search process includes entering a formal record selection query containing the specific parameters for the ad records the user wishes to see. [Witek, col. 17, lines 42-50] No other search methodologies are available during the second part of the search process. Witek does not teach that during the first part or the second part of the search process, each of the search methodologies are available. Accordingly, Witek does not teach that each utilization of the search module includes the availability of all types of available searches.

As recognized within the Office Action of May 13, 2005, Witek does not teach a dichotomous key search. Further, Witek does not teach performing a search in which for any given searching step, at any location within the database, four different search methodologies are available to be used to perform the search. Specifically, Witek does not teach that any of a keyword search, hierarchical search, dichotomous key search and parametric search can be used at any location within the database. As discussed above, Witek teaches that during the first part of the search process only the category and subcategory methodologies are available and during the second part of the search process only searches based on entered parameters are available.

2. Doan does not teach performing a search in which for any given searching step, at any location within the database, four different search methodologies are available to be used to perform the search. Doan also does not teach that any of a keyword search, hierarchical search, dichotomous key search and parametric search can be used at any location within the database.

Doan teaches a hierarchical query syntax for inquiring and selecting among database objects. As recognized within the Office Action of May 13, 2005, Doan does not teach a dichotomous key search. Further, Doan does not teach performing a search in which for any given searching step, at any location within the database, four different search methodologies are available to be used to perform the search. Specifically, Doan does not teach that any of a keyword search, hierarchical search, dichotomous key search and parametric search can be used at any location within the database.

3. [Botto does not teach performing a search in which for any given searching step, at any location within the database, four different search methodologies are available to be used to perform the search.](#)

Botto teaches a transmission system and modem utilizing coded modulation. Botto appears to be cited because of its teaching of a zone searching module which determines a searched zone by dichotomy. Botto also does not teach performing a search in which for any given searching step, at any location within the database, four different search methodologies are available to be used to perform the search.

Furthermore, the zone search taught in Botto is completely different from the dichotomous search claimed in the present invention. Botto, teaches the zone search receiving only one input, R, having coordinates Xr' and Yr' , and then traversing through a number of binary forks using that same singular input to determine the path. [Botto, col. 4, lines 19-28] The zone searching module determines the reference zone quadrant to which R belongs by dichotomy according to the algorithm of Fig. 5. [Botto, col. 5, lines 26-28] The algorithm has set values to compare with the input value and ultimately reaches the desired zone. [Botto, col. 5, lines 30-38] However, the dichotomous search of the present invention requires multiple inputs generally to reach the desired destination although each are input separately as a user traverses through the tree. Using an example of the present invention, a user would have to answer a series of questions, by inputting data multiple times, to complete the sequence, "Everything → Organic → Vegetable → Plant → Tree → Evergreen → Tuber-Leaf → Juniper". [Present Invention, Specification, page 29, line 27] The series of questions would be along the lines of "Organic or Inorganic?...Vegetable or fruit?...etc." Based on each individual answer, to each individual question, the user would traverse down the path accordingly. On the other hand, Botto only receives one input and then based on that one input from a processing module, not a user,

traverses through its entire structure depending on how that one input compares to pre-set comparators. It is impossible to go from “Everything” to “Juniper” with only one input unless you know what you are searching for is “Juniper” from the beginning, and then a user might as well use a different search such as a keyword search. Perhaps a more clear example is when a person has symptoms for a disease, but is not sure what the ultimate disease is. The user would answer a series of questions and ultimately arrive at whatever the disease is. This is not possible using the teachings of Botto. The point of the dichotomous search is to allow a user to navigate from general topics like “Organic” and “Fever” to more specific topics such as “Juniper” and “Flu” in multiple steps. Such a search cannot be performed with the zone searching module taught in Botto.

3. The combination of Witek, Doan and Botto is improper.

There is no motivation to warrant the combination of Witek, Doan and Botto. There is no hint, teaching or suggestion in either of Witek, Doan or Botto to warrant their combination.

This is a classic case of impermissibly using hindsight to make a rejection based on obviousness. The Court of Appeals for the Federal Circuit has stated that “it is impermissible to use the claimed invention as an instruction manual or ‘template’ to piece together the teachings of the prior art so that the claimed invention is rendered obvious.” In Re Fritch, 972 F.2d, 1260, 1266, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992). As discussed above, Witek, Doan and Botto do not teach performing a search in which for any given searching step, at any location within the database, four different search methodologies are available to be used to perform the search, as claimed. As recognized within the Office Action of May 13, 2005, neither Witek nor Doan teach a dichotomous key search. Botto does teach a zone searching module which determines a searched zone by dichotomy. Within the Office Action of May 13, 2005, it is stated that

[i]t would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Botto into the invention of Witek/Doan because the combination would reduce the memory access when using binary search, and providing user more search methodologies. [Office Action of May 13, 2005, page 4]

It is only with the benefit of the present claims, as a “template” that there is any motivation to combine the data modem of Botto with the classified ad system of Witek and the hierarchical

query syntax of Doan. No such motivation can be found in the teachings of any of the references. To conclude that the combination of Witek, Doan and Botto is obvious, based on the teachings of these references, is to use hindsight based on the teachings of the present invention and to read much more into Witek, Doan and Botto than their actual teachings. This is simply not permissible based on the directive from the Court of Appeals for the Federal Circuit.

It is well settled that to establish a *prima facie* case of obviousness, three basic criteria must be met:

- 1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
- 2) there must be a reasonable expectation of success; and
- 3) the prior art reference, or references, must teach or suggest all the claim limitations. MPEP § 2143.

The burden of establishing a *prima facie* case of obviousness based on the teachings of Witek, Doan and Botto has not been met within the Office Action of May 13, 2005.

There is no motivation to combine the teachings of Botto with either Witek or Doan. Botto relates to a transmission system and modem utilizing coded modulation. Botto teaches that the zone searching module determines the zone of the reference quadrant by dichotomy according to an algorithm. [Botto, col. 5, lines 26-29] Botto is only cited because it teaches searching by dichotomy. There is no hint, teaching or suggestion in either Botto, Witek or Doan to motivate one skilled in the art to combine their teachings. It is only with the benefit of the presently claimed invention as a “template” that one would consider combining the dichotomous search of Botto with the classified ad system of Witek and the hierarchical query syntax of Doan.

According to In re Grasselli, 713 F.2d 731, 743, (Fed. Cir. 1983), it is improper to combine references where the references teach away from their combination. Witek as described above teaches a system and method so Internet users can connect to a newspaper web server and central web application server to search for and obtain classified ads. To search the ad records, the search process is divided into two principle parts. The first part includes a system entry and pre-selection sequence, and the second part includes a record selection sequence. [Witek, col. 12, lines 10-13] More specifically, in the first part the user enters the system and specifies the category of classified ads to be searched. Thereafter, as the user navigates to the respective selected category, the user further specifies a subcategory for the particular category selected. Hence, a user enters multiple inputs to ultimately find the ad for which she is searching. Botto,

however, teaches only one input, R, having coordinates, Xr' and Yr' . [Botto, col. 4, lines 19-28] The zone searching module determines the reference zone quadrant to which R belongs by dichotomy according to the algorithm of Fig. 5. [Botto, col. 5, lines 26-28 and Fig. 5] The algorithm has set values to compare the input value with and ultimately reaches the desired zone. [Botto, col. 5, lines 30-38] Hence, it is improper to combine these references as they are utilized in completely different manners. Witek requires a user to continue searching by inputting multiple search data in first and second parts to narrow down the search; whereas, Botto takes only one input and uses an algorithm to reach an end point. Witek and Botto teach away from each other and should not have been combined.

Furthermore, “[t]he test for an implicit showing [of a teaching, suggestion or motivation] is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art.” In re Kotzab, 217 F.3d 1365, 1370 (Fed. Cir. 2000). Moreover, “particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.” Kotzab at 1371.

Within In re Kotzab, the claims focused on an injection molding method using a single temperature sensor to control a plurality of flow control valves. The reference taught a multizone device having multiple sensors, each of which controlled an associated flow control valve, and also taught that one system may be used to control a number of valves. The court found there insufficient evidence to show that one sensor was the same as one system. Although the control of multiple valves by a single sensor rather than by multiple sensors was a “technologically simple concept,” there was no finding “as to the specific understanding or principle within the knowledge of the skilled artisan” that would have provided the motivation to use a single sensor as the system to control more than one valve. Kotzab at 1371.

In the present case, as in Kotzab, there are no showings of particular findings that a skilled artisan, with no knowledge of the claimed invention, would have selected the components from Witek, Doan and Botto for combination in the manner claimed. As discussed above, Witek teaches a system and method in which Internet users can connect to a newspaper web server and central web application server to search for and obtain classified ads. Witek implements specified search methods but does not implement a dichotomous search. Botto is directed to the internal mechanism of a modem for determining a zone by using a form of a search by dichotomy. Botto never hints or suggests using the search with a web server. A modem is not used interchangeably with a web server. This is comparable to the court in Kotzab rejecting the

argument that one sensor was the same as one system and stating that there was no finding as to a specific understanding or principle that would have provided the motivation to use a single sensor as a system to control more than one valve. The court did not allow a system to be interchanged with a sensor nor should the present Board allow a modem to be interchanged with a web server. To conclude that this is obvious based on the teachings of these references, is to use hindsight based on the teachings of the present invention and to read much more into Witek, Doan and Botto than their actual teachings.

Even if considered proper, the combination of Witek, Doan and Botto does not teach performing a search in which for any given searching step, at any location within the database, four different search methodologies are available to be used to perform the search. Neither, Witek, Doan, Botto nor their combination teach that each utilization of the search module includes the availability of the keyword search, the hierarchical search, the dichotomous key search and the parametric search. Botto only teaches dichotomy. Doan only teaches a hierarchical query syntax. Witek teaches that only category and subcategory are determined in the first part and only searches based on entered parameters are available in the second part.

In contrast to the teachings of Witek, Doan and Botto, the method of and apparatus for performing a research task of the present invention, interchangeably utilizes a multitude of search methodologies. Specifically, utilizing a search module, a user is able to selectively utilize one or more search methodologies including keyword search, hierarchical search, dichotomous key search and parametric search to correlate a search criteria to a searchable database for generating one or more matching items. It is further taught within the present specification that

[a]t each node within the tree, the user is presented with the option of using any one or combinations of the four search methodologies utilized by the research system. The four search methodologies are keyword search, hierarchical tree search, dichotomous key search, and parametric search. Regardless as to which search methodology or search methodologies are used to reach a particular node, the user can utilize any of the four search methodologies to further refine the search and move further down the directory tree structure. The user may also navigate back up the directory tree structure to a higher node, and once again have the option to use any of the four search methodologies to refine the search from the current node and move further down the directory tree structure.

[Present Specification, page 39, line 23 - page 40, line 4].

Therefore, a user is able to navigate the directory tree structure, utilizing any one of the four search methodologies in any combination to reach the desired result. As discussed above, neither

Witek, Doan, Botto nor their combination teach that each utilization of the search module includes the availability of the keyword search, the hierarchical search, the dichotomous key search and the parametric search.

Within the Response to Arguments section of the Office Action of May 13, 2005, it is stated that

Applicant does not clearly claim that “at any step location within the database, four different methodologies are available to be used to perform the search.” Instead, Applicant claims “wherein each utilization of the search module includes the availability of each search.” Therefore, if the Witek reference discloses one of the methods and the method is available for the search process, then the Witek still can apply to the invention. [Office Action of May 13, 2005, page 5]

The Applicant respectfully disagrees. It is specified within the claims that the search module includes a keyword search, a hierarchical search, a dichotomous key search and a parametric search. This limitation requires that *all four* of the search capabilities are present within the search module. In order to properly be applied to the claimed invention, the cited reference(s) must teach or make obvious *all four* of the search capabilities. It is further specified within the claims that each utilization of the search module includes the availability of the keyword search, the hierarchical search, the dichotomous key search and the parametric search. Utilization is defined as “to put to use for a certain purpose.” [The American Heritage Dictionary] Just as taught within the specification, the limitation that each utilization of the search module includes the availability of the keyword search, the hierarchical search, the dichotomous key search and the parametric search, specifies that *every time* the search module is used, each of the four search capabilities (keyword search, hierarchical search, dichotomous key search and parametric search) are available. Neither Witek, Doan, Botto nor their combination teach such a search module. As discussed above, neither Witek, Doan, Botto nor their combination teach that each utilization of the search module includes the availability of the keyword search, the hierarchical search, the dichotomous key search and the parametric search.

4. The claims distinguish over Witek, Doan, Botto and their combination.

The claims are grouped separately below to indicate that they do not stand or fall together.

a. Claims 1-7

The independent Claim 1 is directed to a method of accessing data within a research system by an application external to the electronic system. The method of Claim 1 comprises formatting a searchable database within the research system into a directory tree structure, wherein the directory tree structure includes nodes comprising related data and branches comprising links between the nodes, wherein each related item of data is categorized by a navigation path through the directory tree structure and by one or more parameters, each parameter is set with a corresponding value associated with the data item thereby forming a set parameter, wherein the parameters are specific to the node in which the related data is included, and an external application different than the research system accessing one or more nodes within the directory tree structure and obtaining data from the one or more nodes by utilizing an applications programming interface (API) associated with the research system, wherein the external application formats a query language string using the API such that the formatted query language string is used directly by the research system to access the directory tree structure and obtain data from the searchable database specified by the query language string, further wherein the query language string is a command string written according to a query language, wherein accessing one or more nodes is performed utilizing a search module, further wherein the search module includes a keyword search, a hierarchical search, a *dichotomous key search* and a parametric search, and further wherein *each utilization of the search module includes availability of each search*. As discussed above, the combination of Witek, Doan and Botto is not proper. Further, even if considered proper, neither Witek, Doan, Botto nor their combination teach that each utilization of the search module includes availability of each search. Botto only teaches dichotomy. Doan only teaches a hierarchical query syntax. Witek teaches that only category and subcategory are determined in the first part and only searches based on entered parameters are available in the second part. For at least these reasons, the independent Claim 1 is allowable over Witek, Doan, Botto and their combination.

Claims 2-7 depend on the independent Claim 1. As described above, the independent Claim 1 is allowable over Witek, Doan, Botto and their combination. Accordingly, Claims 2-7 are all also allowable as being dependent on an allowable base claim.

b. Claims 9 and 10-15

The independent Claim 9 is directed to research system for providing access to a searchable database by an application external to the research system. The research system of Claim 9 comprises means for formatting the searchable database into a directory tree structure, wherein the directory tree structure includes nodes comprising related data and branches comprising links between the nodes, wherein each related item of data is categorized by a navigation path through the directory tree structure and by one or more parameters, each parameter is set with a corresponding value associated with the data item thereby forming a set parameter, wherein the parameters are specific to the node in which the related data is included, and means for an external application different than the research system accessing one or more nodes within the directory tree structure and obtaining data from the one or more nodes by utilizing an applications programming interface (API) associated with the research system, wherein the external application formats a query language string using the API such that the formatted query language string is used directly by the research system to access the directory tree structure and obtain data from the searchable database specified by the query language string, further wherein the query language string is a command string written according to a query language, wherein the means for accessing one or more nodes utilizes a search module, further wherein the search module includes a keyword search, a hierarchical search, a *dichotomous key search* and a parametric search, and further wherein *each utilization of the search module includes availability of each search*. As discussed above, the combination of Witek, Doan and Botto is not proper. Further, even if considered proper, neither Witek, Doan, Botto nor their combination teach that each utilization of the search module includes availability of each search. Botto only teaches dichotomy. Doan only teaches a hierarchical query syntax. Witek teaches that only category and subcategory are determined in the first part and only searches based on entered parameters are available in the second part. For at least these reasons, the independent Claim 9 is allowable over Witek, Doan, Botto and their combination.

Claims 10-15 depend on the independent Claim 9. As described above, the independent Claim 9 is allowable over Witek, Doan, Botto and their combination. Accordingly, Claims 10-15 are all also allowable as being dependent on an allowable base claim.

c. Claims 17-23

The independent Claim 17 is directed to research system for providing access to a searchable database by an application external to the research system. The research system of Claim 17 comprises a research server configured to format the searchable database into a directory tree structure, wherein the directory tree structure includes nodes comprising related data and branches comprising links between the nodes, wherein each related item of data is categorized by a navigation path through the directory tree structure and by one or more parameters, each parameter is set with a corresponding value associated with the data item thereby forming a set parameter, wherein the parameters are specific to the node in which the related data is included, and an external application different than the research system to access one or more nodes within the directory tree structure and to obtain data from the one or more nodes by utilizing an applications programming interface (API) associated with the research system, wherein the external application formats a query language string using the API such that the formatted query language string is used directly by the research system to access the directory tree structure and obtain data from the searchable database specified by the query language string, further wherein the query language string is a command string written according to a query language, wherein the research server accesses the one or more nodes by utilizing a search module, further wherein the search module includes a keyword search, a hierarchical search, a *dichotomous key search* and a parametric search, and further wherein *each utilization of the search module includes availability of each search*. As discussed above, the combination of Witek, Doan and Botto is not proper. Further, even if considered proper, neither Witek, Doan, Botto nor their combination teach that each utilization of the search module includes availability of each search. Botto only teaches dichotomy. Doan only teaches a hierarchical query syntax. Witek teaches that only category and subcategory are determined in the first part and only searches based on entered parameters are available in the second part. For at least these reasons, the independent Claim 17 is allowable over Witek, Doan, Botto and their combination.

Claims 18-23 depend on the independent Claim 17. As described above, the independent Claim 17 is allowable over Witek, Doan, Botto and their combination. Accordingly, Claims 18-23 are all also allowable as being dependent on an allowable base claim.

d. Claims 25-29

The independent Claim 25 is directed to network of devices for providing access to a searchable database by an application external to the research system. The network of devices of Claim 25 comprises one or more computer systems configured to establish a connection with other systems, and a research server coupled to the one or more computer systems to format the searchable database into a directory tree structure, wherein the directory tree structure includes nodes comprising related data and branches comprising links between the nodes, wherein each related item of data is categorized by a navigation path through the directory tree structure and by one or more parameters, each parameter is set with a corresponding value associated with the data item thereby forming a set parameter, wherein the parameters are specific to the node in which the related data is included, and an external application different than the research system to access one or more nodes within the directory tree structure and to obtain data from the one or more nodes by utilizing an applications programming interface (API) associated with the research system, wherein the external application formats a query language string using the API such that the formatted query language string is used directly by the research system to access the directory tree structure and obtain data from the searchable database specified by the query language string, further wherein the query language string is a command string written according to a query language, wherein the research server accesses the one or more nodes by utilizing a search module, further wherein the search module includes a keyword search, a hierarchical search, a *dichotomous key search* and a parametric search, and further wherein *each utilization of the search module includes availability of each search*. As discussed above, the combination of Witek, Doan and Botto is not proper. Further, even if considered proper, neither Witek, Doan, Botto nor their combination teach that each utilization of the search module includes availability of each search. Botto only teaches dichotomy. Doan only teaches a hierarchical query syntax. Witek teaches that only category and subcategory are determined in the first part and only searches based on entered parameters are available in the second part. For at least these reasons, the independent Claim 25 is allowable over Witek, Doan, Botto and their combination.

Claims 26-29 depend on the independent Claim 25. As described above, the independent Claim 25 is allowable over Witek, Doan, Botto and their combination. Accordingly, Claims 26-29 are all also allowable as being dependent on an allowable base claim.

e. Claim 31

The independent Claim 31 is directed to a method of accessing data within a research system by an application external to the research system. The method of Claim 31 comprises formatting a searchable database within the research system into a directory tree structure, wherein the directory tree structure includes nodes comprising related data and branches comprising links between the nodes, wherein each related item of data is categorized by a navigation path through the directory tree structure and by one or more parameters, each parameter is set with a corresponding value associated with the data item thereby forming a set parameter, wherein the parameters are specific to the node in which the related data is included, and an external application different than the research system accessing one or more nodes within the directory tree structure and obtaining data from the one or more nodes by utilizing an applications programming interface (API) associated with the research system, wherein the applications programming interface accesses the one or more nodes within the directory tree structure using a query language string, further wherein the query language string is a command string written according to a query language that defines a navigation path through the directory tree structure to access a specific node within the directory tree structure, wherein accessing one or more nodes is performed utilizing a search module, further wherein the search module includes a keyword search, a hierarchical search, a *dichotomous key search* and a parametric search, and further wherein *each utilization of the search module includes availability of each search*. As discussed above, the combination of Witek, Doan and Botto is not proper. Further, even if considered proper, neither Witek, Doan, Botto nor their combination teach that each utilization of the search module includes availability of each search. Botto only teaches dichotomy. Doan only teaches a hierarchical query syntax. Witek teaches that only category and subcategory are determined in the first part and only searches based on entered parameters are available in the second part. For at least these reasons, the independent Claim 31 is allowable over Witek, Doan, Botto and their combination.

f. Claim 32

The independent Claim 32 is directed to a method of accessing data within a research system by an application external to the research system. The method of Claim 32 comprises formatting a searchable database within the electronic system into a directory tree structure,

wherein the directory tree structure includes nodes comprising related data and branches comprising links between the nodes, wherein each related item of data is categorized by a navigation path through the directory tree structure and by one or more parameters, each parameter is set with a corresponding value associated with the data item thereby forming a set parameter, wherein the parameters are specific to the node in which the related data is included, and an external application different than the research system accessing one or more nodes within the directory tree structure and obtaining data from the one or more nodes by utilizing an applications programming interface (API) associated with the research system, wherein accessing one or more nodes is performed utilizing a search module, the search module includes a keyword search, a hierarchical search, a dichotomous key search, and a parametric search and further wherein *each utilization of the search module includes availability of each search*. As discussed above, the combination of Witek, Doan and Botto is not proper. Further, even if considered proper, neither Witek, Doan, Botto nor their combination teach that each utilization of the search module includes availability of each search. Botto only teaches dichotomy. Doan only teaches a hierarchical query syntax. Witek teaches that only category and subcategory are determined in the first part and only searches based on entered parameters are available in the second part. For at least these reasons, the independent Claim 32 is allowable over Witek, Doan, Botto and their combination.

4. CONCLUSION

For the above reasons, it is respectfully submitted that the Claims 1-7, 9-15, 17-23, 25-29, 31 and 32 are allowable over the cited prior art references. Therefore, a favorable indication is respectfully requested.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: October 6, 2005

By: Jonathan O. Owens
Jonathan O. Owens
Reg. No.: 37,902
Attorneys for Applicants

VIII. CLAIMS APPENDIX

This appendix includes a list of the claims under appeal.

1. A method of accessing data within a research system by an application external to the electronic system comprising the steps of:
 - a. formatting a searchable database within the research system into a directory tree structure, wherein the directory tree structure includes nodes comprising related data and branches comprising links between the nodes, wherein each related item of data is categorized by a navigation path through the directory tree structure and by one or more parameters, each parameter is set with a corresponding value associated with the data item thereby forming a set parameter, wherein the parameters are specific to the node in which the related data is included; and
 - b. an external application different than the research system accessing one or more nodes within the directory tree structure and obtaining data from the one or more nodes by utilizing an applications programming interface (API) associated with the research system, wherein the external application formats a query language string using the API such that the formatted query language string is used directly by the research system to access the directory tree structure and obtain data from the searchable database specified by the query language string, further wherein the query language string is a command string written according to a query language, wherein accessing one or more nodes is performed utilizing a search module, further wherein the search module includes a keyword search, a hierarchical search, a dichotomous key search, and a parametric search, and further wherein each utilization of the search module includes availability of each search.
2. The method as claimed in claim 1 wherein the applications programming interface accesses the one or more nodes within the directory tree structure using the query language string defining a navigation path through the directory tree structure to access a specific node within the directory tree structure.

3. The method as claimed in claim 2 wherein the related data is text, graphics, objects, links to other nodes within the directory tree structure, links to web sites external to the electronic system, or any combination thereof.
4. The method as claimed in claim 1 wherein the searchable database is distributed into more than one physical location.
5. The method as claimed in claim 1 wherein the step of accessing one or more nodes is performed by a server.
6. The method as claimed in claim 5 further comprising the step of establishing an internet connection with the server to access the one or more nodes.
7. The method as claimed in claim 6 wherein the internet connection is established with a computer system at a remote location from the server.
8. (canceled)
9. A research system for providing access to a searchable database by an application external to the research system comprising:
 - a. means for formatting the searchable database into a directory tree structure, wherein the directory tree structure includes nodes comprising related data and branches comprising links between the nodes, wherein each related item of data is categorized by a navigation path through the directory tree structure and by one or more parameters, each parameter is set with a corresponding value associated with the data item thereby forming a set parameter, wherein the parameters are specific to the node in which the related data is included; and
 - b. means for an external application different than the research system accessing one or more nodes within the directory tree structure and obtaining data from the one or more nodes by utilizing an applications programming interface (API) associated with the research system, wherein the external application formats a query language string using the API such that the formatted query language string is used directly by the research system to access the directory tree structure and

obtain data from the searchable database specified by the query language string, further wherein the query language string is a command string written according to a query language, wherein accessing one or more nodes is performed utilizing a search module, further wherein the search module includes a keyword search, a hierarchical search, a dichotomous key search, and a parametric search, and further wherein each utilization of the search module includes availability of each search.

10. The research system as claimed in claim 9 wherein the applications programming interface accesses the one or more nodes within the directory tree structure using the query language string defining a navigation path through the directory tree structure to access a specific node within the directory tree structure.
11. The research system as claimed in claim 10 wherein the related data is text, graphics, objects, links to other nodes within the directory tree structure, links to web sites external to the electronic system, or any combination thereof.
12. The research system as claimed in claim 9 wherein the searchable database is distributed into more than one physical location.
13. The research system as claimed in claim 9 wherein the means for accessing one or more nodes is performed by a server.
14. The research system as claimed in claim 13 further comprising means for establishing an internet connection with the server to access the one or more nodes.
15. The research system as claimed in claim 14 wherein the internet connection is established with a computer system at a remote location from the server.
16. (canceled)
17. A research system for providing access to a searchable database by an application external to the research system comprising a research server configured to format the searchable database

into a directory tree structure, wherein the directory tree structure includes nodes comprising related data and branches comprising links between the nodes, wherein each related item of data is categorized by a navigation path through the directory tree structure and by one or more parameters, each parameter is set with a corresponding value associated with the data item thereby forming a set parameter, wherein the parameters are specific to the node in which the related data is included, and an external application different than the research system accessing one or more nodes within the directory tree structure and obtaining data from the one or more nodes by utilizing an applications programming interface (API) associated with the research system, wherein the external application formats a query language string using the API such that the formatted query language string is used directly by the research system to access the directory tree structure and obtain data from the searchable database specified by the query language string, further wherein the query language string is a command string written according to a query language, wherein the research server accesses the one or more nodes by utilizing a search module, further wherein the search module includes a keyword search, a hierarchical search, a dichotomous key search, and a parametric search, and further wherein each utilization of the search module includes availability of each search.

18. The research system as claimed in claim 17 wherein the applications programming interface utilizes the query language string to communicate with the research server, wherein the query language string defines a navigation path through the directory tree structure to access a specific node within the directory tree structure.

19. The research system as claimed in claim 18 wherein the related data is text, graphics, objects, links to other nodes within the directory tree structure, links to web sites external to the electronic system, or any combination thereof.

20. The research system as claimed in claim 17 wherein the searchable database is distributed into more than one physical location.

21. The research system as claimed in claim 20 further comprising an interface circuit coupled to the research server to establish a connection with a computer system.

22. The research system as claimed in claim 21 wherein the connection is established with the computer system at a remote location from the interface circuit.

23. The research system as claimed in claim 22 wherein the connection is established with the remote computer system and the interface circuit over the internet to allow users to access the one or more nodes and to obtain data from the one or more nodes.

24. (canceled)

25. A network of devices for providing access to a searchable database by an application external to the research system comprising:

- a. one or more computer systems configured to establish a connection with other systems; and
- b. a research server coupled to the one or more computer systems to format the searchable database into a directory tree structure, wherein the directory tree structure includes nodes comprising related data and branches comprising links between the nodes, wherein each related item of data is categorized by a navigation path through the directory tree structure and by one or more parameters, each parameter is set with a corresponding value associated with the data item thereby forming a set parameter, wherein the parameters are specific to the node in which the related data is included, and an external application different than the research system accessing one or more nodes within the directory tree structure and obtaining data from the one or more nodes by utilizing an applications programming interface (API) associated with the research system, wherein the external application formats a query language string using the API such that the formatted query language string is used directly by the research system to access the directory tree structure and obtain data from the searchable database specified by the query language string, further wherein the query language string is a command string written according to a query language, wherein the research server accesses the one or more nodes by utilizing a search module, further wherein the search module includes a keyword search, a hierarchical search, a dichotomous key search, and a parametric search, and

further wherein each utilization of the search module includes availability of each search.

26. The network of devices as claimed in claim 25 wherein the applications programming interface utilizes the query language string to communicate with the research server, wherein the query language string defines a navigation path through the directory tree structure to access a specific node within the directory tree structure.
27. The network of devices as claimed in claim 26 wherein the related data is text, graphics, objects, links to other nodes within the directory tree structure, links to web sites external to the electronic system, or any combination thereof.
28. The network of devices as claimed in claim 25 wherein the searchable database is distributed into more than one physical location.
29. The network of devices as claimed in claim 25 wherein the one or more computer systems and the research server are coupled together over the internet to allow users to access the one or more nodes and to obtain data from the one or more nodes.
30. (canceled)
31. A method of accessing data within a research system by an application external to the research system comprising the steps of:
 - a. formatting a searchable database within the research system into a directory tree structure, wherein the directory tree structure includes nodes comprising related data and branches comprising links between the nodes, wherein each related item of data is categorized by a navigation path through the directory tree structure and by one or more parameters, each parameter is set with a corresponding value associated with the data item thereby forming a set parameter, wherein the parameters are specific to the node in which the related data is included; and
 - b. an external application different than the research system accessing one or more nodes within the directory tree structure and obtaining data from the one or more nodes by utilizing an applications programming interface (API) associated with

the research system, wherein the applications programming interface accesses the one or more nodes within the directory tree structure using a query language string, further wherein the query language string is a command string written according to a query language that defines a navigation path through the directory tree structure to access a specific node within the directory tree structure, wherein accessing one or more nodes is performed utilizing a search module, further wherein the search module includes a keyword search, a hierarchical search, a dichotomous key search, and a parametric search, and further wherein each utilization of the search module includes availability of each search.

32. A method of accessing data within a research system by an application external to the research system comprising the steps of:

- a. formatting a searchable database within the electronic system into a directory tree structure, wherein the directory tree structure includes nodes comprising related data and branches comprising links between the nodes, wherein each related item of data is categorized by a navigation path through the directory tree structure and by one or more parameters, each parameter is set with a corresponding value associated with the data item thereby forming a set parameter, wherein the parameters are specific to the node in which the related data is included; and
- b. an external application different than the research system accessing one or more nodes within the directory tree structure and obtaining data from the one or more nodes by utilizing an applications programming interface (API) associated with the research system, wherein accessing one or more nodes is performed utilizing a search module, the search module includes a keyword search, a hierarchical search, a dichotomous key search, and a parametric search, and further wherein each utilization of the search module includes availability of each server.

IX. EVIDENCE APPENDIX

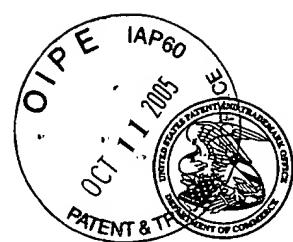
STATEMENT

Pursuant to 37 C.F.R. § 41.37(c)(1)(ix), the following is a statement setting forth where in the record the evidence of this appendix was entered by the examiner:

Evidence Description:	Where Entered:
U.S. Pat. No. 6,253,188	Office Action mailed March 15, 2004
U.S. Pat. No. 6,421,661	Office Action mailed January 10, 2005
U.S. Pat. No. 5,604,772	Office Action mailed January 10, 2005
Office Action mailed May 13, 2005	Examiner Office Action

X. RELATED PROCEEDINGS APPENDIX

There are no related proceedings.

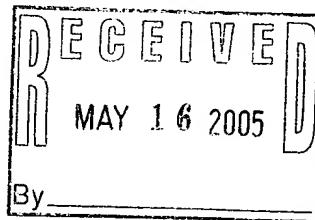


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,566	03/06/2001	Robert Olan Keith JR.	ABREAU-00107	4072

28960 7590 05/13/2005
HAVERSTOCK & OWENS LLP
162 NORTH WOLFE ROAD
SUNNYVALE, CA 94086



EXAMINER

NGUYEN, CAM LINH T

ART UNIT	PAPER NUMBER
----------	--------------

2161

DATE MAILED: 05/13/2005



Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

Application No.	Applicant(s)
09/800,566	KEITH, ROBERT OLAN
Examiner	Art Unit
CamLinh Nguyen	2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 March 2005.
2a) This action is FINAL. 2b) This action is non-final.
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 – 7, 9 – 15, 17 – 23, 25 – 29, and 31 – 32 is/are pending in the application.
4a) Of the above claim(s) 8, 16, 24 and 30 is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1 – 7, 9 – 15, 17 – 23, 25 – 29, and 31 – 32 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/14/05.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office Action is response to the amendments filed on 3/25/2005.
2. Applicant's amendments to claims 1 – 32 are acknowledged. Consequently, rejections under 35 U.S.C 112 are withdrawn. Currently, claims 1 – 7, 9 – 15, 17 – 23, 25 – 29, and 31 – 32 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1 – 7, 9 – 15, 17 – 23, 25 – 29, and 31 - 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witek et al (U.S. 6,253,188) in view of Doan et al (U.S. 6,421,661) further in view of Botto et al (U.S. 5,604,772).

♦ As per claim 1, 9, 17, 25, 31 – 32,

Witek teaches a method of accessing information in a searchable database comprising:

- “The searchable database is formatted in a directory tree structure” See Fig. 4, col. 11, lines 20 – 25, col. 18, lines 1 – 32.
- “The directory tree structure includes nodes ... branches” See fig. 4. Each category corresponds to a node. All nodes are linked together.
- “Categorizing each item of data by a navigation path through the directory tree structure and by one or more parameters” Witek teaches that: “Web sites and associated pages are

prepared with HTML and include "links" to other locations and resources on the Web, the links being the features which enables a user, as noted, to "navigate" from one point or information resource to another, thereby, providing the Web with its dynamic character (col. 23, lines 11 – 22.) Therefore, the link corresponds to the path that is used to access to the resource. Witek discloses a method to category documents by identifying the parameters and associated values (col. 50, lines 56 – 67). Based on these values, the document is assigned to a category, and created link to the document.

- “Each parameter is set with a corresponding value associated with the data item thereby forming a set parameter” see Fig. 3, col. 15, lines 25 – 26, col. 51, lines 1 – 11.
- “An external application different than the research system accessing one or more nodes... and obtaining data from the one or more node by utilizing an application programming interface associated with the research system” See Fig. 2, elements 22 - 24, col. 21, lines 36 – col. 22, lines 14. An “application programming interface” corresponding to the Service provider 24.

Witek does not clearly disclose a query language string which is a command string written according to a query language.

However, Doan, on the other hand, discloses a method for accessing a hierarchical database by a query string (col. 6, lines 56 - 65). This query string also is a command string that used to retrieved data from the database (See Fig. 5, col. 14, lines 61 – 67, col. 16, lines 11 – 15).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Doan into the invention of Witek because the combination of

reduce the translation between data type in the database and reduce the searching time by applying directly the value of data into the database.

The combination of Witek/Doan fails to disclose the dichotomous key search. However, this method search is a well known in the art. Botto provides an example of it.

Botto teaches that a dichotomous key search is used to search for data in the database 112, wherein the database is a hierarchical database (See Fig. 5, col. 5, lines 26 – 29).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Botto into the invention of Witek/Doan because the combination would reduce the memory access when using binary search, and providing user more search methodologies.

- ◆ As per claims 2, 10, 18, 26, the combination of Witek and Doan and Botto disclose:
 - “The applications programming interface accesses the one or more nodes... using a query string defining a navigation path” The query includes keywords that defined the navigation path. Users access the directory by a query (See Fig. 10, Witek); therefore the navigation path is defined by a query language string.
- ◆ As per claims 3, 11, 19, 27, the combination of Witek and Doan and Botto disclose:
 - “Links to other nodes within the directory tree structure, links to web sites external to the electronic system” See Fig. 8 – 10, col. 23, lines 44 – 48, col. 24, lines 10 – 16 of Witek.
- ◆ As per claims 4, 12, 20, 28, the combination of Witek and Doan and Botto disclose:
 - “The searchable database is distributed into more than one physical location” See Fig. 1, element 20, col. 9, lines 53 – col. 10, lines 5, col. 25, lines 37 – 44 of Witek.

♦ As per claims 5 - 7, 13 – 15, 21 – 23, 29, the combination of Witek and Doan and Botto disclose:

- “Accessing one or more nodes is performed by a server” See Fig. 1, 5A, col. 25, lines 13 – 33 of Witek.
- “Establishing an Internet connection with the server” See Fig. 5a, element 14, 24, col. 21, lines 15 – 20 of Witek.

Response to Arguments

5. Applicant's arguments filed 3/25/2005 have been fully considered but they are not persuasive.

Applicant argues that the Witek reference does not teach performing a search in which for any given searching step, at any location within the database, four different search methodologies are available to be used to perform the search. The Examiner respectfully disagrees.

Applicant does not clearly claim “at any step location within the database, four different methodologies are available to be used to perform the search”. In stead, Applicant claims “wherein each utilization of the search module includes the availability of each search”.

Therefore, if the Witek discloses one of the methods and the method is available for the search process, then the Witek still can apply to the invention.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

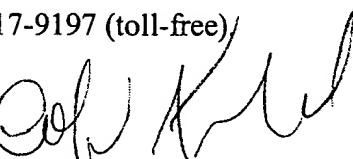
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272 - 4024. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272 - 4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen, Cam-Linh

Art Unit 2161



ALFORD KINDRED
PRIMARY EXAMINER

FORM PTO-1445 (Modified)		U.S. Department of Commerce Patent and Trademark Office		Attorney Docket No.: ITLV-00107	Serial No.: 09/800,566			
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use Several Sheets If Necessary) (37 CFR § 1.98(b))				Applicant: Robert Olan Keith Jr.				
				Filing Date: March 06, 2001		Group Art Unit: 2161		
U.S. PATENT DOCUMENTS								
Examiner Initials		Serial / Patent Number	Issue Date	Applicant / Patentee	Class	Subclass	Filing Date	
LN	AA	6,133,938	10/17/00	James	348	8	03/11/99	
LN	AB	6,292,894 B1	09/18/01	Chipman et al.	713	168	11/23/99	
	AC							
	AD							
	AE							
	AF							
	AG							
	AH							
	AI							
	AJ							
FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS								
		Document Number	Publication Date	Country / Patent Office	Class	Subclass	Translation	
							Yes	No
	AK							
	AL							
	AM							
	AN							
	AO							
OTHER DOCUMENTS (Including Author, Title, Date, Relevant Pages, Place of Publication)								
	AP							
	AQ							
	AR							
	AS							
	AT							
	AU							
	AV							
	AW							
	AX							
	AY							
	AZ							
Examiner:	Inuyen Cominh			Date Considered:	5/6/05			
EXAMINER:	Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							



AT/2161.8 zw

PATENT
Attorney Docket No.: ITLV-000107

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Group Art Unit: 2161
Robert Olan Keith Jr.)
Serial No.: 09/800,566) Examiner: Nguyen, Cam Linh T.
Filed: March 6, 2001)
For: **METHOD AND APPARATUS FOR**) **TRANSMITTAL LETTER**
ACCESSING DATA WITHIN AN)
ELECTRONIC SYSTEM BY AN)
EXTERNAL SYSTEM) 162 North Wolfe Road
) Sunnyvale, California 94086
) (408) 530-9700
)
) Customer Number 28960

MS: Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed please find an Appeal Brief submitted in triplicate in support of the patent owner's Notice of Appeal filed on August 9, 2005 for filing with the U.S. Patent and Trademark Office. Also attached is U.S. Patent No. 6,253,188, U.S. Patent No. 5,604,7721, U.S. Patent No. 6,421,661, a copy of the Final Office Action dated: May 13, 2005 and a check in the amount of \$250.00 to cover the Appeal Brief fee.

The Commissioner is authorized to charge any additional fee or credit any overpayment to our Deposit Account No. 08-1275. **An originally executed duplicate of this transmittal is enclosed for this purpose.**

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: October 6, 2005

By: Jonathan O. Owens
Jonathan O. Owens
Reg. No.: 37,902

Attorneys for Applicant

CERTIFICATE OF MAILING (37 CFR§ 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

- 1 -

HAVERSTOCK & OWENS LLP,

Date: 10/6/05 By: J.O.